

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CERTAIN UNDERWRITERS AT LLOYDS,
 LONDON,

Plaintiff,

vs.

PALM CANYON DEVELOPMENT, INC., et al.,

Defendants.

Case No. 2:13-cv-00421-JCM-PAL

REPORT OF FINDINGS AND
RECOMMENDATION

This matter is before the court on Defendant Palm Canyon Development, Inc.'s ("Palm Canyon") failure to comply with this court's Order (Dkt. #34) and Order to Show Cause (Dkt. #35).

On August 19, 2013, the court entered an Order (Dkt. #34) requiring Palm Canyon to retain new counsel and to file a notice of appearance in compliance with the Local Rules of Practice as a corporation cannot appear except through counsel. The order warned Palm Canyon that its failure to comply "may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions." *Id.* Palm Canyon failed to file a notice of appearance and did not request an extension of time in which to comply with the court's Order (Dkt. #34).

On September 30, 2013, the court entered an Order to Show Cause (Dkt. #35) based on Palm Canyon's failure to comply with the court's previous Order (Dkt. #34). The court directed Palm Canyon to show cause in writing no later than October 28, 2013, why it had not complied with the court's Order (Dkt. #34). Palm Canyon failed to file a response to the Order to Show Cause (Dkt. #35), and has not requested an extension of time in which to do so.

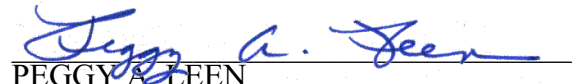
Palm Canyon's wilful failure to comply with the court's orders is an abusive litigation practice that has interfered with the court's ability to hear this case, delayed litigation, disrupted the court's timely management of its docket, wasted judicial resources, and threatened the integrity of the court's

1 orders and the orderly administration of justice. The Local Rules of Practice require that a corporation
2 appear except through counsel. Palm Canyon has been given several opportunities to comply with the
3 Local Rules and this court's orders. Sanctions less drastic than dismissal are unavailable because Palm
4 Canyon has wilfully refused to comply with multiple court orders and the Local Rules of Practice.

5 Accordingly,

6 **IT IS RECOMMENDED** that Palm Canyon's Counterclaim be **DISMISSED** unless Palm
7 Canyon retains new counsel and files a notice of appearance in compliance with the Local Rules of
8 Practice no later than **November 27, 2013**.

9 Dated this 15th day of November, 2013.

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12 PEGGY A. LEEN
13 UNITED STATES MAGISTRATE JUDGE
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